

10/554638

JC20 Rec'd PCT/PTO 27 OCT 2005

Customer No. 22,852

Attorney Docket No. 09952.0009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Giorgio BRUNO et al.)	
)	Group Art Unit:
Application No.: Not Yet Assigned)	
)	Examiner:
Filed: October 27, 2005)	
)	
For: METHOD, SYSTEM AND)	
COMPUTER PROGRAM)	
PRODUCT FOR EVALUATING)	
DOWNLOAD PERFORMANCE)	
OF WEB PAGES)	

U.S. National Phase of International PCT Application No. PCT/EP2003/004522

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§1.56 and 1.97(b), applicants bring to the Examiner's attention the documents listed on attached Form PTO/SB/08 and cited in the enclosed international search report. Copies of the listed foreign patent document and listed non patent literature documents are attached. Applicants respectfully request that the Examiner consider the documents listed on attached Form PTO/SB/08 and indicate that they were considered by making an appropriate notation on this form.

This Information Disclosure Statement is being filed with the above-referenced application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 27, 2005

By: 

Ernest F. Chapman
Reg. No. 25,961

Enclosures
EFC/FPD/gah

IDS Form PTO/SB/08: Substitute for form 1449A/PTO				Complete if Known Application Number 10/554638	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Filing Date	October 27, 2005
				First Named Inventor	Giorgio BRUNO
				Art Unit	2443
				Examiner Name	Murray D.C.
				Attorney Docket Number	09952.0009
Sheet	1	of	1		

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
/DCM/		US-6,067,412	05-23-2000	Blake et al.	
		US-			
		US-			
		US-			
		US-			
		US-			

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
/DCM/		WO-01/06415 A1	01-25-2001	NETPREDICT INC.		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
/DCM/		ALMEDIA; "CAPACITY PLANNING FOR WEB SERVICES - TECHNIQUES AND METHODOLOGY"; Performance Evaluation of Complex Systems Techniques and tools"; Performance 2002 Tutorial Lectures, pages 142-157, (2002)	
/DCM/		DEMPSEY et al.; "PREDICTING FDDI COMPUTER NETWORK PERFORMANCE USING A CALIBRATED SOFTWARE SIMULATION MODEL"; IEEE International Performance, Computing, and Communications Conference, pages 1-9, (1997)	
/DCM/		SEVCIK et al.; "UNDERSTANDING WEB PERFORMANCE"; Business Communications Review, pages 28-36, (2001)	

Examiner Signature	/Daniel Murray/	Date Considered	03/05/2009
---------------------------	-----------------	------------------------	------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.